

The deposition topics in a Rule 30(b)(6) deposition notice must be relevant to any party's claim or defense since a deposition notice is subject to the limitations under Fed. R. Civ. P. 26. *Bigsby v. Barclays Cap. Real Est., Inc.*, 329 F.R.D. 78, 81 (S.D.N.Y. 2019). The topics shall be "proportional to the needs of the case, not unduly burdensome or duplicative, and described with 'reasonable particularity.'" *Id.* (citing *Blackrock Allocation Target Shares: Series S Portfolio v. Wells Fargo Bank, Nat'l Ass'n*, 14-CV-09371 (KPF) (SN), 2017 WL 9400671, at *1 (S.D.N.Y. Apr. 27, 2017)).

Topic C as written in ECF 78-1 Ex. A is relevant. The parties agree that this action concerns whether there was probable cause to arrest the Plaintiff. (ECF 76 at 2; ECF 78 at 3). A police officer's "awareness of the facts supporting a defense can eliminate probable cause." *Jocks v. Tavernier*, 316 F.3d 128, 135 (2d Cir. 2003). N.Y. Penal Law § 35.10 is a justification defense, which is an exculpatory defense; thus, it "negates" the existence of a crime and could "negate" probable cause. *Id.* However, Topic C as written is not proportional to the needs of the case since it is overbroad. (ECF 76 at 2-3). Topic C shall be limited to training received by the Arresting Officers.

Accordingly, Defendants' motion for a protective order under Fed. R. Civ. P. 26(c)(1) is **DENIED in part and GRANTED in part.**

The Court previously extended the deadline to complete fact discovery to **May 26, 2023**. (ECF Nos. 74, 75). The Court will hold a **post-discovery Status Conference** on **May 31, 2023**, at **11:00 a.m.** in Courtroom 20D, 500 Pearl Street, New York, NY 10007. The parties shall file a joint proposed agenda for the Status Conference by **May 29, 2023**.

The Clerk of Court is respectfully directed to close ECF 76 and 78.

SO ORDERED.

Dated: May 16, 2023
New York, New York

s/ Ona T. Wang
Ona T. Wang
United States Magistrate Judge